UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

HOH INDIAN TRIBE; QUINAULT INDIAN NATION; QUILEUTE INDIAN TRIBE, Plaintiffs-Appellees, v. MALCOLM BALDRIGE, Secretary of Commerce, Defendant, and STATE OF WASHINGTON, Intervenor-Defendant, and WASHINGTON STATE CHARTERBOAT ASSOCIATION, Applicant in Intervention-Appellant.	No. 81-3459 D.C. No. C81-742R MEMORANDUM

[Filed March 15, 1982]

Appeal from the United States District Court
for the Western District of California
Walter E. Craig, District Judge, Presiding

Before: ANDERSON and ALARCON, Circuit Judges, and REDDEN,[1] District Judge.

The Washington State Charterboat Association (Association) appeals the district court's denial of its motion to intervene. The arguments that the Association sought to interject into this action by way of intervention have been foreclosed by the line of decisions beginning with United States v. Washington, 384 F. Supp. 312 (W.D. Wash. 1974) and ending with the Supreme Court's opinion in Washington v. Washington State Commercial Passenger Fishing Vessel Association, 443 U.S. 658, 99 S. Ct. 3055, 61 L.Ed.2d 823 (1979). This thinly-veiled effort by the Association to relitigate issues that have previously been decided fails to meet the requirements for intervention of right under Fed. R. Civ. P. 24(a)(2). For the same reason, we cannot conclude that

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[1]The Honorable James A. Redden, United States District Judge for the District of Oregon, sitting by designation.

the district court abused its discretion in denying permissive intervention under Fed. R. Civ. P. 24(b)(2).

AFFIRMED.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

HOH INDIAN TRIBE; QUINAULT INDIAN NATION; QUILEUTE INDIAN TRIBE,	)	
Plaintiffs,	)	
v.	)	
MALCOLM BALDRIGE, Secretary of Commerce,	)	No. C81-742R
Defendant.	)	ORDER

[Entered July 23, 1981]

Washington State Department of Fisheries' Motion to Consolidate is denied. Washington State Department of Fisheries' Motion to Intervene is denied. Washington State Charterboat Association's Motion to Intervene is denied.

IT IS SO ORDERED.

DATED at Prescott, Arizona this /s/ 23rd day of July, 1981.

/s/_____
Walter E. Craig
United States District Judge

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

HOH INDIAN TRIBE; QUINAULT INDIAN NATION; QUILEUTE INDIAN TRIBE, Plaintiffs-Appellees, v. MALCOLM BALDRIGE, Secretary of Commerce, Defendant, and STATE OF WASHINGTON, Intervenor-Defendant, and WASHINGTON STATE CHARTERBOAT ASSOCIATION, Applicant in Intervention-Appellant.	No. 81-3459 DC CV C81-742 WEC JUDGMENT

[Entered March 15, 1982]

APPEAL from the United States District for the Western District of

Washington (Seattle).

THIS CAUSE came on to be heard on the Transcript of the Record from the United States District Court for the Western District of Washington (Seattle) and was duly submitted.

ON CONSIDERATION WHEREOF, it is now here ordered and adjudged by this Court, that the judgment of the said District Court in this Cause be, and hereby is affirmed.

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

HOH INDIAN TRIBE; QUINAULT INDIAN NATION; QUILEUTE INDIAN TRIBE, Plaintiffs-Appellees, v. MALCOLM BALDRIGE, Secretary of Commerce, Defendant, and STATE OF WASHINGTON, Intervenor-Defendant, and WASHINGTON STATE CHARTERBOAT ASSOCIATION, Applicant in Intervention-Appellant.	)	No. 81-3459 DC No. C81-742R ORDER

[Filed May 5, 1982]

Before: ANDERSON and ALARCON, Circuit Judges, and REDDEN,[1] District Judge

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[1]The Honorable James A. Redden, United States District Judge for the District of Oregon, sitting by designation.

The panel as constituted in the above case has voted to deny the petition for rehearing and to reject the suggestion for a rehearing en banc.

The full court has been advised of the suggestion for en banc rehearing, and no judge of the court has requested a vote on the suggestion for rehearing en banc. Fed. R. App. P. 35(b).

The petition for rehearing is denied and the suggestion for a rehearing en banc is rejected.

AFFIDAVIT OF SERVICE
BY MAILING

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

NANCY C. DUDLEY, being first duly sworn on oath, deposes and says:

I am a citizen of the United States and a resident of King County, Washington, over the age of eighteen years, and not a party to this cause. I served the within Petition for Writ of Certiorari to the Ninth Circuit Court of Appeals on the following persons on the date set below by placing true copies thereof enclosed in sealed envelopes properly addressed with first class postage prepaid, in the United States mail at Seattle, Washington:

United States Solicitor General
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Washington, D.C. 20530

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Bin C15700
Seattle, Washington 98115

DATED this 29th day of July, 1982.

Nancy C. Dudley
Nancy C. Dudley

SUBSCRIBED AND SWORN TO before me this 29th day of July, 1982.

Shawne L. Lewis
NOTARY PUBLIC, in and for the State of Washington, residing at Seattle.